

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

David A. Perlson (Bar No. 209502)

3 davidperlson@quinnemanuel.com

Melissa Baily (Bar No. 237649)

4 melissabaily@quinnemanuel.com

John Neukom (Bar No. 275887)

5 johnneukom@quinnemanuel.com

Jordan Jaffe (Bar No. 254886)

6 jordanjaffe@quinnemanuel.com

John W. McCauley (Bar No. 274197)

7 johnmccauley@quinnemanuel.com

50 California Street, 22<sup>nd</sup> Floor

8 San Francisco, California 94111-4788

Telephone: (415) 875-6600

9 Facsimile: (415) 875-6700

10 Attorneys for WAYMO LLC

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

13 WAYMO LLC,

14 Plaintiff,

15 vs.

16 UBER TECHNOLOGIES, INC.;

17 OTTOMOTTO LLC; OTTO TRUCKING

18 LLC,

19 Defendants.

CASE NO. 3:17-cv-00939-WHA

**DECLARATION OF JOHN W.  
MCCAULEY IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION TO SHORTEN  
TIME**

1 I, John W. McCauley, hereby declares as follows.

2 1. I am a member of the bar of the State of California and an associate with Quinn  
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC (“Waymo”). I make this  
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and  
5 would testify competently to the matters set forth herein. I make this declaration in support of  
6 Waymo’s Opposition to Uber’s Motion to Shorten Time for Hearing on Uber’s Motion to Compel  
7 Arbitration pursuant to L.R. 6-3(b).

8 2. Defendants have failed to show that the substantial harm or prejudice that would  
9 occur if the Court did not change the time as required by L.R. 6-3(a)(3).

10 3. Had Defendants filed their Motion To Compel Arbitration in a timely manner, it  
11 would have been unnecessary to shorten time for that motion to be briefed and heard to achieve  
12 Defendants’ purported goal—having their Motion To Compel Arbitration heard before the May 4  
13 preliminary injunction hearing.

14 4. This is especially true since Defendants’ Motion To Compel Arbitration, even if  
15 granted, would not moot the May 4 preliminary injunction hearing given that Defendants concede  
16 that at least Waymo’s patent claims are not arbitrable.

17 5. Attached hereto as Exhibit A is an email from Jordan Jaffe, counsel for Waymo,  
18 sent on March 23, 2017 in response to a March 22, 2017 email from and Arturo González, counsel  
19 for Uber, concerning Uber’s intention to file a motion to compel arbitration on March 23, 2017  
20 and to seek a hearing “in 4 weeks instead of 5.”

21 6. Had Defendants filed their motion by March 23, the motion could have been heard  
22 on April 27, one week before the May 4 preliminary injunction hearing, without the need for an  
23 expedited schedule.

24 I declare under penalty of perjury under the laws of the State of California that the  
25 foregoing is true and correct.

26 DATED: March 28, 2017

*/s John W. McCauley*

John W. McCauley